

REMARKS

Claims 1, 3-9, and 11-16 are pending in the application. In the final Office Action of August 27, 2007, the Examiner made the following disposition:

- A.) Rejected claims 1, 3, 5, 6, 8, 9, 11, 13, 14, and 16 under 35 U.S.C. §103 as being unpatentable over *Hutchison* (U.S. 6,405,246) in view of *Barile, et al.* (U.S. 5,977,886) (“*Barile*”).
- B.) Rejected claims 4 and 12 under 35 U.S.C. §103(a) as being unpatentable over *Hutchison* in view of *Barile* and further in view of *Bukszar* (U.S. 6,133,916).
- C.) Rejected claims 7 and 15 under 35 U.S.C. §103(a) as being unpatentable over *Hutchison* in view of *Barile* and further in view of *Hoffberg, et al.* (5,901,246) (“*Hoffberg*”).

Applicant respectfully traverses the rejections and addresses the Examiner’s disposition below.

- A.) Rejection of claims 1, 3, 5, 6, 8, 9, 11, 13, 14, and 16 under 35 U.S.C. §103 as being unpatentable over *Hutchison* (U.S. 6,405,246) in view of *Barile, et al.* (U.S. 5,977,886) (“*Barile*”):

Applicant respectfully disagrees with the rejection.

Independent claims 1 and 9 each claim subject matter relating to receiving a user input that indicates a user preference of desired functions of a set of functions that are associated with an application corresponding to a file to be downloaded to a PDA. At least one function of the set of functions is determined responsive to the user input. The file and the at least one function are dynamically downloaded to the PDA.

This is clearly unlike *Hutchinson* in view of *Barile*, which fails to disclose or suggest receiving a user input that indicates a user preference of desired functions and determining at least one function of a set of functions responsive to the user input. As acknowledged by the Examiner, *Hutchinson* fails to teach this claimed subject matter. *Office Action of 8/27/07*, page 4. Applicant respectfully submits that *Barile* also fails to teach or suggest this claimed subject matter.

The Examiner argues that *Barile* 2:6-10 teaches receiving a user preference as an input. Applicant disagrees. This cited passages does not even discuss a user inputted preference. *Barile* 2:6-10 merely describes that a user input is communicated using a particular code that is best suited for a particular application. Nowhere does *Barile* 2:6-10, or any passage in *Barile*,

discuss that the user input is a preference, let alone a user preference of a desired function. Instead, *Barile* merely describes that a particular code is chosen to communicate the user input.

Therefore, for at least these reasons, *Hutchison* in view of *Barile* fails to disclose or suggest claims 1 and 9.

Claims 3, 5, 6, 8, 11, 13, 14, and 16 depend directly or indirectly from claims 1 or 9 and are therefore allowable for at least the same reasons that claims 1 and 9 are allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

B.) Rejection of claims 4 and 12 under 35 U.S.C. §103(a) as being unpatentable over *Hutchison* in view of *Barile* and further in view of *Bukszar* (U.S. 6,133,916):

Applicant respectfully disagrees with the rejection.

Independent claims 1 and 9 are allowable over *Hutchinson* in view of *Barile* as discussed above. *Bukszar* still fails to disclose or suggest receiving a user input that indicates a user preference of desired functions and determining at least one function of a set of functions responsive to the user input. Therefore, *Hutchinson* in view of *Barile* and further in view of *Bukszar* fails to disclose or suggest claims 1 and 9.

Claims 4 and 12 depend directly or indirectly from claims 1 or 9 and are therefore allowable for at least the same reasons that claims 1 and 9 are allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

C.) Rejection of claims 7 and 15 under 35 U.S.C. §103(a) as being unpatentable over *Hutchison* in view of *Barile* and further in view of *Hoffberg, et al.* (5,901,246) (“*Hoffberg*”):

Applicant respectfully disagrees with the rejection.

Independent claims 1 and 9 are allowable over *Hutchinson* in view of *Barile* as discussed above. *Hoffberg* still fails to disclose or suggest receiving a user input that indicates a user preference of desired functions and determining at least one function of a set of functions responsive to the user input. Therefore, *Hutchinson* in view of *Barile* and further in view of *Hoffberg* fails to disclose or suggest claims 1 and 9.

Claims 7 and 15 depend directly or indirectly from claims 1 or 9 and are therefore allowable for at least the same reasons that claims 1 and 9 are allowable.


Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

Conclusion

In view of the above remarks, Applicant submits that claims 1, 3-9, and 11-16 are allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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